



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 20, 1997

Ms. Monica Z. Notzon
Assistant District Attorney
Office of the District Attorney
Counties of Webb and Zapata
P.O. Box 1343
Laredo, Texas 78042-1343

OR97-2534

Dear Ms. Notzon:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 110301.

The District Attorney for the Counties of Webb and Zapata (the "district attorney") received a request for all information held by the district attorney relating to an arson case involving Jose Guadalupe Romero. You assert that the requested information is excepted from disclosure pursuant to section 552.108 of the Government Code. We have considered your arguments and have reviewed the information submitted.

Section 552.101 of the Government Code encompasses information protected by other statutes.¹ Prior to its repeal by the 74th Legislature, section 51.14(d) of the Family Code provided as follows:

Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

¹Because the Act prohibits the release of confidential information and because its improper release constitutes a misdemeanor, the attorney general will raise section 552.101 on behalf of a governmental body, although the attorney general ordinarily will not raise other exceptions that a governmental body has failed to claim. See Open Records Decision Nos. 455 (1987) at 3, 325 (1982) at 1.

- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

Despite the repeal of section 51.14(d), law-enforcement records pertaining to juvenile conduct that occurred prior to the effective date of the repeal continues to be confidential under that section.² The information you have submitted to this office pertains to juvenile conduct which occurred before January 1, 1996. Therefore, the requested information is confidential under section 51.14(d) of the Family Code and must be withheld in its entirety pursuant to section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 110301

Enclosures: Submitted documents

cc: Mr. Cecil McDonald
P.O. Box 6035
Laredo, Texas 78042
(w/o enclosures)

²See Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 106, 1995 Tex. Sess. Law Serv. 2591 (Vernon).